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Subject: Comments on Draft WIPP Permit Issued August 6, 2018

Dear Mr. Maestas;

The New Mexico Environmental Department (NMED) issued a draft WIPP permit on August 6, 2018 that introduces two compatible and complementary ways of counting the volume of waste emplaced in WIPP. Instead of counting the volume of containers shipped inside the transportation cask, a new volume statistic would recognize that a substantial fraction of these shipping containers actually are over-packed, and contain multiple inner containers that are filled with waste. DOE does this to protect workers and control potential contamination, and it is a practice employed throughout the nuclear industry. NMED's draft permit thus recognizes the difference between the volume occupied in each of the hazardous waste disposal units that it permits at WIPP, and the volume of TRU waste that is limited by the WIPP Land Withdrawal Act of 1992.

NMED's regulatory responsibility is to ensure the hazardous waste disposal units themselves are operated and closed in a safe and environmentally protective way. NMED does not have the regulatory responsibility to limit the total volume of TRU waste emplaced in the WIPP repository. That is the regulatory role of EPA under its legislated authority via 40 CFR Part 194. The draft permit issued by NMED for comment recognizes this distinction, and provides a clear and straightforward way to ensure NMED serves its regulatory role appropriately. The NMED Administrator should issue the permit as drafted. There is no need to invest the time and effort to engage the Class 3 public hearing process over such an obvious clarification.

Sincerely,

John Heaton

Carlsbad Mayor's Nuclear Task Force

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